

NAIR et al
Appl. No. 09/875,264
July 28, 2003

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In the Office Action dated February 26, 2003, the Examiner provisionally rejected claims 19 and 20 as allegedly representing obviousness-type double patenting over claims 1-14 of Application No. 09/667,319. Given the provisional nature of the rejection, the Examiner was requested to hold the rejection in abeyance until the case was otherwise in condition for allowance. That response is believed to be all that should be required in the case of a provisional rejection.

On December 30, 2003, Application No. 09/667,319 issued as USP 6,670,186. Should the Examiner be inclined to maintain the position that claims 19 and 20 represent obviousness-type double patenting, a non-provisional rejection would be appropriate. The possibility of filing a Terminal Disclaimer to overcome such a rejection is noted.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson

Mary J. Wilson
Reg. No. 32,955

MIW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100